

MARKMAN LAW

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA, SOUTHERN DISTRICT

GARETH SPICER, an individual;

Plaintiff,

vs.

U.S. BANK; SAFECO INSURANCE
COMPANY OF AMERICA, COPART OF
ARIZONA dba COPART and DOES I through
X, and ROE CORPORATIONS I through X,
inclusive,
.

CASE NO.: 2:22-cv-01003-JCM-VCF

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

[FIRST REQUEST]

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case one hundred and twenty days (120) days, up to and including Tuesday July 26, 2023. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as follows:

1. On January 14, 2022, Plaintiff filed his Complaint in the Clark County District Court, Nevada.
2. On May 19, 2022, Defendant Copart of Arizona dba Copart ("Copart") filed its answer
3. On June 24, 2022, Defendant US Bank filed its Petition for Removal to Federal

Court.

4. On June 30, 2022, Copart filed a consent to removal.
5. On July 1, 2022, Defendant US Bank filed its Answer to Complaint.
6. On July 8, 2022, Defendant US Bank filed its Statement Regarding Removal
7. On July 22, 2022, Defendant Safeco Insurance Company of America (“Safeco”) filed a Stipulation of Extension of time to file its answer.
8. On July 22, 2022, Plaintiff filed an amended Complaint
9. On August 1, 2022, Copart filed an Answer to the Amended Complaint.
10. On August 5, 2022, US Bank filed an Answer to the Amended Complaint.
11. On August 15, 2022, Safeco filed an Answer to the Amended Complaint.
12. On August 12, 2022, the parties conducted an initial FRCP 26(f) conference
13. On August 18, 2022, the Court entered the Stipulated Discovery Order.
14. On August 26, 2022, Defendant Copart served its FRCP 26 Initial Disclosures on Plaintiff.
15. On August 29, 2022, Defendant US Bank served its FRCP 26 Initial Disclosures on Plaintiff.
16. On August 29, 2022, Plaintiff served his FRCP 26 Initial Disclosures on Defendants.
17. On August 30, 2022, Defendant Safeco served its FRCP 26 Initial Disclosures on Plaintiff.
18. On September 26, 2022, Plaintiff served Requests for Production on Defendant US Bank. US Bank served its responses on October 26, 2022.
19. On September 26, 2022, Plaintiff served Requests for Production on Defendant Safeco. Safeco served its responses on October 26, 2022.

- 1 20. On November 10, 2022, Defendant Copart served written discovery on Plaintiff.
2 Plaintiff's responses were due on December 12th. Defendant Copart agreed to an
3 extension and the responses are currently due on December 23, 2022.
4 21. On November 14, 2022, Plaintiff served Requests for Production on Defendant
5 Copart. Copart served its responses on December 6, 2022.
6 22. On November 27, 2022, Plaintiff served Interrogatories on Defendant US Bank.
7 Plaintiff's responses are due on December 27th. Plaintiff agreed to an extension
8 and the responses are currently due on January 6, 2023 (Pending a further
9 requested extension contingent upon this Honorable Court's granting an extension
10 to the Discovery Plan).
11 23. On November 27, 2022, Plaintiff served Interrogatories on Defendant Safeco.
12 Safeco served its responses on December 22, 2022.
13 24. On December 8, 2022, Copart conferred about the scheduling of Plaintiff's
14 Deposition. Based on the need to coordinate numerous parties schedule, the parties
15 agreed upon February 8, 2022 for the Plaintiff's deposition.
16 25. On December 16, 2022, Plaintiff conferred about the scheduling of US Bank and
17 Safeco's 30(b)(6) deposition.
18 26. On December 21, 2022, Copart's notice of deposition for Plaintiff was served for a
19 February 8, 2022, deposition.
20 27. On December 21, 2022, Copart served its First Supplement to Initial Disclosures.
21 28. On December 21, 2022, Copart served its Supplemental Responses to Plaintiff's
22 First Set of Requests for Production

23 **DISCOVERY REMAINING**

- 24 1. The parties will continue participating in written discovery.
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2. Plaintiff will attend his Deposition on February 8, 2023.
3. Plaintiff will take the deposition of Defendant Safeco's FRCP 30(b)(6) witness and/or the claims specialist.
4. Plaintiff will take the deposition of Defendant US Bank's FRCP 30(b)(6) witness.
4. The parties may take the depositions of any and all other witnesses garnered through discovery.
5. The parties will designate initial expert witnesses.
6. The parties may designate rebuttal expert witnesses.
7. The parties may depose expert witnesses.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery.

The parties seek additional time to complete discovery for several reasons, none of which are for an improper purpose or for the purpose of delay. First, Counsel and Defendants continue to work remotely, which has resulted in increased amounts of time for communications and coordinating document productions. Second, the Holiday schedule has complicated the coordination and exchange of information. Third, there are numerous Defendants involved that are big entities and require sufficient time for internal reviews. Fourth, Plaintiff's counsel has multiple jury trials including in State and Federal Court in January that has increased the difficulty in scheduling Plaintiff's deposition. Fifth, there are significant records to be produced by all parties. Sixth, the parties are moving forward with depositions, but due to scheduling constraints, and the amount of documents to be produced in advance of the depositions it has increased the timeframe to complete discovery. Seventh, the parties want to have the ability to enter settlement discussions prior to expending resources on expert witnesses. Accordingly, the parties request an extension of the current discovery deadlines to allow the parties an opportunity

to develop their respective cases in chief.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the first request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Monday, March 28, 2022</i>	<i>Tuesday, July 26, 2023</i>
Deadline to Amend Pleadings or Add Parties	<i>Tuesday, December 28, 2022</i>	<i>Thursday, April 27, 2022</i>
Expert Disclosure pursuant to FRCP26 (a)(2)	<i>Friday, January 27, 2023</i>	<i>Tuesday, May 30, 2023. (Next business day following weekend and holiday)</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Monday, February 27, 2023</i>	<i>Wednesday, June 29, 2023</i>
Dispositive Motions	<i>Thursday, April 27, 2023</i>	<i>Friday, August 25, 2023</i>
Joint Pretrial Order	<i>Tuesday, May 30, 2023</i>	<i>Monday, September 25, 2023</i> <i>(If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.)</i>

WHEREFORE, the parties respectfully request that this Court extend the discovery

period by One Hundred Twenty (120) days from the current deadline of March 28, 2023 up to and including July 26, 2023 and the other dates as outlined in accordance with the table above.

Dated this 22nd day of December, 2022.

Dated this 27th day of December, 2022.

MARKMAN LAW

MESSNER REEVES

/s/ DAVID MARKMAN

By: /s/ David Markman

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By: /s/ Karie Wilson

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Dated this 22nd day of December, 2022.

SNELL & WILMER L.L.P.

By: /s/ Richard Gordon

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Dated this 23rd day of December, 2022.

POLSINELLI PC

By: /s/ Cythia Lowery-Graber

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Attorneys for Defendant US. Bank

IT IS SO ORDERED.

DATED: 12-30-2022

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that on the 27th day of December, 2022 I electronically transmitted the foregoing STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES using the CM/ECF system for filing and transmittal to all interested parties:

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